IN THE CLAIMS

Please amend claims 51, 53, 61, 65 and 69 as indicated in the following list of pending claims:

PENDING CLAIMS

1-2. (Cancelled)

3. (Withdrawn) The medical device as recited in Clam 49, wherein said fixation agent comprises a bonding agent, and said device further comprising at least one opening for dispensing said bonding agent into the patient's body.

4. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a surgical adhesive.

5. (Withdrawn) The medical device as recited in Claim 4, wherein said surgical adhesive comprises a cyanoacrylate.

6. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a fibrin glue.

7. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a solvent.

8. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, a localization wire, and a longitudinal axis, the device being adapted for placement of said distal end into a patient's body at a desired location, said medical device having a fixation agent disposed on said distal end, the fixation agent being adapted for affixing the distal end of said medical device at said desired location, further

comprising a catheter having a lumen through which said localization wire is introduced into the patient's body.

9. (Withdrawn) The medical device as recited in Claim 8, wherein said fixation agent comprises a bonding agent, and said catheter has a second lumen which accommodates said bonding agent.

10. (Withdrawn) The medical device as recited in Claim 3, wherein said tube comprises a braided outer wall, the braided outer wall having an interstice which comprises said at least one opening for dispensing said bonding agent.

11. (Withdrawn) The medical device as recited in Claim 3, wherein said shaft comprises an outer wall formed from a coil of material, said coil being utilized to create an interstice which comprises said at least one opening for dispensing said bonding agent.

12. (Cancelled)

13. (Withdrawn) The medical device as recited in Claim 3 comprising a surgical instrument, wherein said surgical instrument comprises a tissue acquisition device having a longitudinal axis about which said device is rotatable and comprises: a cutting element disposed on said tube for cutting surrounding tissue; and a bushing disposed on said shaft which is rotatable relative to said shaft; wherein the bonding agent dispensed through said at least one opening affixes said bushing to surrounding tissue, so that the instrument is secured in a desired location without preventing rotational movement thereof.

14. (Cancelled)

15. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a Mallicot structure.

16-18. (Cancelled)

19. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a rolled stent and an axially movable sleeve, wherein when said sleeve is moved proximally the stent is exposed and unrolls to engage surrounding tissue and affix the distal end of the medical device.

20. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a radially expandable and retractable basket.

21. (Withdrawn) The medical device as recited in Claim 49, wherein said fixation agent comprises an electrosurgical element disposed on the shaft distal end, which coagulates tissue surrounding the shaft distal end and thereby causes said tissue to be affixed to the shaft distal end.

22. (Withdrawn) The medical device as recited in Claim 49, wherein said fixation agent comprises an electrical heating element disposed on the shaft distal end, which cauterizes tissue surrounding the shaft distal end and thereby causes said tissue to be affixed to the shaft distal end.

23. (Cancelled)

24. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said structure comprises comprising a lumen containing a bonding agent and at

least one opening disposed at said distal end for dispensing said bonding agent to surrounding tissue.

25. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising:

a bushing disposed on said instrument which is rotatable relative to said instrument;

wherein the bonding agent dispensed through said at least one opening affixes said bushing to said surrounding tissue, so that the instrument is secured in a desired location without preventing rotational movement thereof.

26. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said bonding agent comprises a surgical adhesive.

27. (Withdrawn) The tissue acquisition instrument as recited in Claim 26, wherein said surgical adhesive comprises a cyanoacrylate.

28. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said bonding agent comprises a fibrin glue.

29. (Withdrawn) The tissue acquisition as recited in Claim 24, wherein said bonding agent comprises a solvent.

30. (Cancelled)

31. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said mechanical fixation element comprises a Mallicot structure.

32-34. (Cancelled)

35. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said mechanical fixation agent comprises a rolled stent and an axially movable sleeve, wherein when said sleeve is moved proximally the stent is exposed and unrolls to engage said surrounding tissue and affix the distal end of the medical device.

36. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said mechanical fixation element comprises a radially expandable and retractable basket.

37-38. (Cancelled)

39. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising: a bushing disposed on said instrument which is rotatable relative to said instrument; wherein said structure comprises an electrosurgical element disposed on said bushing, wherein when said electrosurgical element is energized, the surrounding tissue is coagulated and bonds to said bushing, so that the instrument is secured in a desired location without preventing rotational movement thereof.

40. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising:

a bushing disposed on said instrument which is rotatable relative to said instrument;

wherein said structure comprises an electrical heating element disposed on said bushing, wherein when said electrical heating element is energized, the surrounding tissue is cauterized and bonds to said bushing, so that the instrument is secured in a desired location without preventing rotational movement thereof.

41-42. (Cancelled)

43. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by dispensing a bonding agent from said distal end into surrounding tissue.

44. (Cancelled)

45. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by activating an electrosurgical element and operating it to coagulate tissue surrounding the distal end of the instrument, to an extent that the tissue bonds to the instrument distal end.

46. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by activating an electrical heating element and operating it to cauterize tissue surrounding the distal end of the instrument, to an extent that the tissue bonds to the instrument distal end.

47-48. (Cancelled)

49. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, and a longitudinal axis, the device being adapted for placement of said distal end into a patient's body at a desired location, said medical device having a fixation agent selected from the group consisting of a bonding agent, an electrical heating agent, an electrosurgical coagulating agent, an electrosurgical cauterizing agent, and combinations thereof, the fixation agent being configured for affixing the distal end of said medical device at said desired location.

50. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, and a longitudinal axis, the device being configured for placement of said distal end into a patient's body at a desired location, said medical device having a mechanical fixation agent selected from the group consisting of a Mallicot structure, a stent, a sleeve, hinged structure, a basket, a wire, an anchor, and combinations thereof, said fixation agent being actuatable to extend outwardly into tissue surrounding the distal end of said device to engage said tissue and to thereby anchor the distal end of the device at said desired location disposed on said distal end, the mechanical fixation agent being configured for affixing the distal end of said medical device at said desired location.

51. (Currently Amended) A tissue acquisition instrument for retrieving tissue at a body site, having a longitudinal axis and comprising:

a distal end adapted for entry into a patient's body;

a tissue cutting element on a distal portion of the instrument proximal to the distal end which has a contracted configuration for delivery to the body site and

an expanded configuration for separating a tissue specimen from the body site adjacent the distal portion of the instrument; and

a mechanical fixation element on the distal portion of the instrument ~~disposed~~ proximal to the distal end ~~having~~ which has a retracted configuration and which has an expanded configuration for securing the distal portion of said tissue acquisition instrument at ~~a predetermined desired location~~ the body site in order to ~~insure~~ ensure that the tissue acquisition instrument remains in place during a tissue specimen acquisition procedure so that [[a]] the tissue specimen is properly acquired at the body site ~~and which has a fully retracted configuration with a transverse dimension of the bendable legs which is smaller than the expanded configuration~~.

52. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said tissue specimen has a transverse dimension and said Mallicot structure is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

53. (Currently Amended) The tissue acquisition instrument as recited in Claim 51, wherein said tissue specimen has a transverse dimension and said ~~hinged linkage is configured to have~~ expanded configuration of the mechanical fixation element has a transverse dimension smaller than the transverse dimension of the tissue specimen.

54. (Withdrawn) The tissue acquisition instrument as recited in Claim 36, wherein said tissue speci0men has a transverse dimension and said radially

expandable and retractable basket is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

55. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said cutting element has a transverse dimension and said Mallicot structure is configured to have a transverse dimension smaller than the transverse dimension of the cutting element.

56. (Cancelled)

57. (Withdrawn) The tissue acquisition instrument as recited in Claim 36, wherein said cutting element has a transverse dimension and said radially expandable and retractable basket is configured to have a transverse dimension smaller than the transverse dimension of the cutting element.

58. (Withdrawn) A method for performing a tissue acquisition procedure using a tissue acquisition instrument having a distal end, a proximal end, a longitudinal axis, and a cutting element, the method comprising the steps of:

a) placing the distal end of the instrument in a patient's body, so that the distal end is disposed in a desired tissue location;

b) affixing the distal end of the instrument to said desired tissue location by performing a step selected from the group consisting of dispensing a bonding agent from said distal end into surrounding tissue, activating an electrosurgical element, activating an electrical heating element, and combinations thereof.

59. (Withdrawn) The medical device of claim 49, wherein said fixation agent comprises a bonding agent selected from the group consisting of adhesives, solvents, and combinations thereof.

60. (Withdrawn) The method of claim 43, wherein said bonding agent is selected from the group consisting of adhesives, solvents, and combinations thereof.

61. (Currently Amended) A tissue specimen acquisition instrument, comprising:

a. an elongated shaft having a longitudinal axis and a distal end adapted for entry into a patient's body;

b. a tissue cutting element disposed on a distal portion of the elongated shaft proximal to the distal end of the shaft for cutting tissue surrounding the distal portion of the elongated shaft which is capable of cutting along its length and which is longitudinally aligned; and

c. a mechanical fixation assembly on a distal portion of the elongated shaft proximal to the distal end which has at least one pair of outwardly bendable legs with a retracted configuration and an expanded configuration for securing tissue severed by the tissue cutting element in order to ~~insure~~ ensure that the tissue acquisition instrument remains in place during a tissue specimen acquisition procedure so that a tissue specimen is properly acquired.

62. (Previously presented) The tissue specimen acquisition instrument as recited in Claim 61, wherein the bendable legs have first and second leg segments and a hinged linkage therebetween.

63. (Previously presented) The tissue specimen acquisition instrument of claim 62 wherein the bendable legs have distal ends with a hinged linkage.

64. (Previously presented) The tissue specimen acquisition instrument of claim 62 wherein the mechanical fixation assembly is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

65. (Currently Amended) A tissue specimen acquisition instrument, comprising:

a. an elongated shaft having a longitudinal axis, [[and]] a distal end [[with]] and an electrosurgical cutting element at the distal end adapted for entry into a patient's body; ~~and~~

b. a mechanical fixation assembly on the elongated shaft proximal to the distal end which has a pair of outwardly bendable legs for securing a tissue specimen in order to insure that the tissue acquisition instrument remains in place during a tissue acquisition procedure so that a tissue specimen is properly acquired ; and

c. a tissue separation element which disposed on the distal portion of the elongated shaft proximal to the distal end of the shaft for cutting tissue surrounding the elongated shaft, which is capable of cutting tissue and which is longitudinally aligned.

66. (Previously presented) The tissue specimen acquisition instrument as recited in Claim 65, wherein the bendable legs have first and second leg segments and a hinged linkage therebetween.

67. (Previously presented) The tissue specimen acquisition instrument of claim 66 wherein the bendable legs have distal ends with a hinged linkage.

68. (Previously presented) The tissue specimen acquisition instrument of claim 66 wherein the bendable legs are configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

69. (Currently Amended) A tissue specimen acquisition instrumentation, comprising:

a. an elongated shaft having a longitudinal axis and a distal end adapted for entry into a patient's body; and

b. a mechanical fixation assembly on a distal portion of the elongated shaft proximal to the distal end which has at least one pair of outwardly bendable legs for securing the instrument within the patient's body during a tissue acquisition procedure; and

c. a tissue separation element which disposed on the distal portion of the elongated shaft proximal to the distal end of the shaft for cutting tissue surrounding the elongated shaft, which is capable of cutting along its length and which is longitudinally aligned.

70. (Previously presented) The instrumentation of claim 69 wherein the tissue separation element is a radially expandable tissue cutting element having a contracted configuration for delivery to a site within the patient and an expanded configuration for cutting tissue.

71. (Previously presented) The instrument of claim 70 wherein the tissue cutting element is an electrosurgical cutting element.

72. (Previously presented) The instrument of claim 71 wherein the electrosurgical cutting element is a arcuate member.

73. (Previously presented) The instrument of claim 72 wherein the electrosurgical cutting element of claim 70 wherein the tissue cutting element is configured to be rotated about a longitudinal axis when cutting tissue.

74. (Previously presented) The instrumentation of claim 69 wherein the mechanical fixation assembly on the elongated shaft is configured to be disposed within the tissue specimen when the tissue specimen is separated from surrounding tissue.